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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,034	08/23/2001	Ichio Yudasaka	108898	8415

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EXAMINER

GARRETT, DAWN L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 05/09/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/803,034

Applicant(s)

YUDASAKA, ICHIO

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the corresp ndence address --
Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 8-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10. 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office action is a response to the amendment dated February 20, 2003, paper no. 11. Claims 1-17 are pending. Claims 1-7 were amended. New claims 12-17 were added. Claims 8-11 remain withdrawn as non-elected.
2. The rejection of claims 4 and 5 under 35 USC 112, second paragraph, set forth in paper no. 9, paragraphs 7-10 (mailed November 20, 2002), is withdrawn due to applicant's amendment of claims 4 and 5.
3. The rejection of claims 1-7 under 35 USC 102(e) as being anticipated by Boer et al. (US 5,994,836) is withdrawn due to the amendment.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 and 12-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hosokawa et al. (US 6,157,127). Hosokawa et al. discloses organic electroluminescent elements and organic electroluminescent displays (see title). Figure 8b shows a device comprising an electrode 2, an electrode 4, an organic layer 3, and an insulating material 11 (see Figure 8b and col. 11, lines 40-55). Both electrodes have slopes formed along either sloping side of the insulating material protrusion. The reference discloses the optical transmission of light from one electrode to the other per the instant claim 1 requirement of "a light generated in the organic layer being reflected

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by the slope of the second electrode layer and going out to the side of the first electrode layer" (see col. 21, lines 1-17). Hosokawa et al. discloses the lower electrodes and counter electrodes are matrixed so that pixels are formed at their intersections, with the result that a display can be formed by a plurality of arrays of pixels per instant claim 2 (see col. 1, lines 18-23). As seen in Figure 8b, the protruding height of the organic layer 3 is greater than the thickness of the layer (see figure 8b) per instant claim 3. Figure 8b also shows the protruding height of the organic layer from the base 1 is greater than the combined thickness of the organic layer 3 and the electrode layer 2 or the combined thickness of the organic layer 3 and the electrode layer 4 (see Figure 8b) per instant claim 4. Figure 8b further shows multiple slopes per instant claim 5. The slopes are formed around the insulating material projection 11 per instant claims 6 and 7 (see figure 8b). Hosokawa discloses the anode may be formed of an optically transmissive material having high transparency and the cathode may be formed of a metal or alloy, which would demonstrate reflectivity properties (see col. 21, lines 1-17) per instant claims 12 and 15. Per instant claim 13, all slopes protrude from one side to the other following along the insulating material projection 11 (see Figure 8b) per instant claim 13. Hosokawa et al. discloses electrodes comprising both an anode and a cathode and discloses these are interchangeable (see Figure 8b and col. 20, line 65 to col. 21, line 17) per instant claim 14. Hosokawa discloses the electroluminescent elements are part of an EL display device (see title and col. 1, lines 18-23) per instant claims 16 and 17. Hosokawa et al. discloses all elements of instant claims 1-7 and 12-17.

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Response to Arguments

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (703) 305-0788. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. The fax phone numbers

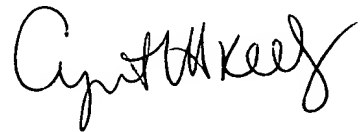
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for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2351.

CYNTHIA H. KELLY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

D.G.
May 3, 2003

A handwritten signature in black ink, appearing to read "Cynthia H. Kelly", is written over the printed name and title.